The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARL PHILLIP GUSLER, RICK ALLEN HAMILTON II, and HARRY SCHATZ

Appeal No. 2006-2090
Application No. 10/004,925

ON BRIEF

Before HAIRSTON, BARRY, and SAADAT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 30.

The disclosed invention relates to a method and system for monitoring use of an instant messaging source user account. When an instant message is received, a registry is searched to determine the identity of the destination user. If the destination user is identified in the registry as an approved destination user, then a transcript of the received message is not made. On the other hand, if the destination user is not identified in the registry as an approved destination user, then a transcript of the received message is made.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of monitoring use of an instant messaging source user account, comprising:

receiving an instant message from a destination user;

searching a registry that identifies a set of approved destination users to determine if a transcript of the received instant message is desired, wherein the transcript is not desired if the destination user is identified in the registry as being an approved destination user, and wherein the transcript is desired if the destination user is not identified in the registry as being an approved destination user;

storing the transcript of the received instant message in a storage device in response to determining that the transcript is desired;

analyzing the transcript for occurrences of questionable content to thereby identify at least one portion of the transcript having questionable content; and

providing the at least one portion of the transcript to a designated monitor of the instant messaging source user account.

The references relied on by the examiner are:

Donahue	2002/0004907	Jan. 10, 2002 (filed Jan. 11, 2001)
Fertell et al. (Fertell)	2002/0032770	Mar. 14, 2002 (filed May 25, 2001)

Claims 1 through 8, 10 through 18, 20 through 28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Donahue.

Claims 9, 19 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Donahue in view of Fertell.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejections of claims 1 through 30.

Donohue describes a system for monitoring and maintaining an acceptable use policy for network communications (e.g., chat sessions) (Abstract; paragraph 0004). A chat session is monitored, stored and searched for certain expressions.

The examiner acknowledges (answer, page 5) that Donohue does not expressly disclose a registry of destination users, and the making of a transcript of the chat session if the destination user is not an approved destination user. Notwithstanding the lack of such a registry in Donohue, the examiner concludes (answer, pages 6 and 7) that it would have been obvious to one of ordinary skill in the art at the time of the invention to add a registry to Donohue since "destination users are part of the text of a communication message."

Appellants argue (brief, page 17; reply brief, page 4) that looking for specific text in a communicated message is not the same as searching a registry for an approved destination user. We agree with the appellants' argument. The text in Donohue may contain a destination user, but the name of the destination user is not used to determine whether the destination user is an approved participant in the chat session. For this reason, the obviousness rejections of claims 1 through 8, 10 through 18, 20 through 28 and 30 is reversed.

The obviousness rejection of claims 9, 19 and 29 is reversed because the teachings of Fertell fail to cure the noted shortcoming in the teachings of Donahue.

DECISION

The decision of the examiner rejecting claims 1 through 30 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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)
) BOARD OF PATENT
LANCE LEONARD BARRY)
Administrative Patent Judge) APPEALS AND
)
) INTERFERENCES
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